IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 14290 of 2007(A)

PETITIONER:

SMT.K.N.CHELLAMMA,
AGED 55,D/O.NARAYANAN,
MAMBALATH HOUSE,KODIMATHA,KOTTAYAM.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. **STATE OF KERALA,REPRESENTED BY THE SECRETARY(HOME)GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE SUB INSPECTOR OF POLICE, CHINGAVANAM POLICE STATION, CHINGAVANAM,KOTTAYAM DISTRTICT.**

3. **THE CIRCLE INSPECTOR OF POLICE, CHENGANASSERY,KOTTAYAM DISTRICT.**

4. **THE DEPUTY SUPERINTENDENT OF POLICE, KOTTAYAM.**

5. **THE DISTRICT SUPERITNTENDENT OF POLICE, KOTTAYAM.**

6. **SRI.V.K.RAJAN,AGED 51, VAYALATTU CHERYIL,MARIYAPPALLY P.O., NATTAKOM,KOTTAYAM.**

7. **SRI.V.K.VASUDEVAN,AGED 53, KATHANADATHU VEEDU, MARIYAPPALLY P.O.,NATTAKOM,KOTTAYAM.**

***ADDL.R8 & R9 ARE IMPLEADED:**

R8. THE DISTRICT COLLECTOR, KOTTAYAM.

R9. THE ASST.EXCISE COMMISSIONER, KOTTAYAM.

(*ADDL.R8 & R9 ARE IMPLEADED AS PER ORDER DTD. 11/05/2007 IN I.A.NO.6255/07)

BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.14290/207 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE TODDY SHOP LICENSE NO.7/2007-08 IN RESPECT OF TODDY SHOP NO.47/2007-08 ISSUED BY THE ASST.EXCISE COMMISSIONER, KOTTAYAM.

EXT.P2: COPY OF THE PETITION DTD. 28/04/2007 SUBMITTED BEFORE THE 2ND RESPONDENT WITH COPIES TO RESPONDENTS 3 TO 5.

/TRUE COPY/

P.S.TO JUDGE

KSS

O.P.NO.22184/2000

ORDER ON C.M.P.NO.37318/2000 IN O.P.NO.22184/2000

DISMISSED

18/09/2007 **SD/- V.G.IRI, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER G.O.(P) 1480/99/FIN. DTD. 17/06/99 ISSUED BY 1ST RESPONDENT.**

EXT.P2: **COPY OF ORDER NO.GN.10/99 DTD. 15/10/99 ISSUED BY THE HEADMISTRESS, GOVERNMENT HIGH SCHOOL, KUDASSANADU, PANDALAM.**

EXT.P3: **COPY OF ORDER G.O.(P) NO.990/2000/FIN. DTD. 27/06/2000 ISSUED BY THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE PENSIONS SANCTIONING ORDER OF THE PETITIONER.**

EXT.P5: **COPY OF THE JUDGMENT DTD. 04/10/2006 IN O.P.22738 OF 2000.**

/True Copy/

P.A.to Judge

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 14290 OF 2007-A

Dated 28th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

In view of the interim order passed by this Court, no further orders are required in this writ petition. But, it is clarified that the order of this Court will not affect the powers of the competent authority to consider the representations against the grant of licence for the conduct of the toddy shop or its location in the present site and pass appropriate orders thereon. Needless to say, if the licence is suspended or cancelled, the order to grant protection shall also stand recalled.

With the above clarification, the writ petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/